

By: Rinaldi, Meyer

H.B. No. 1038

Substitute the following for H.B. No. 1038:

By: Rinaldi

C.S.H.B. No. 1038

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an award of costs and attorney's fees in a motion to
3 dismiss for certain actions that have no basis in law or fact.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 30.021, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 30.021. AWARD OF ATTORNEY'S FEES IN RELATION TO
8 CERTAIN MOTIONS TO DISMISS. In a civil proceeding, on a trial
9 court's granting or denial, in whole or in part, of a motion to
10 dismiss filed under the rules adopted by the supreme court under
11 Section 22.004(g), Government Code, the court may [~~shall~~] award
12 costs and reasonable and necessary attorney's fees to the
13 prevailing party. This section does not apply to actions by or
14 against the state, other governmental entities, or public officials
15 acting in their official capacity or under color of law.

16 SECTION 2. The changes in law made by this Act apply only to
17 a civil action commenced on or after the effective date of this Act.
18 A civil action commenced before the effective date of this Act is
19 governed by the law applicable to the action immediately before the
20 effective date of this Act, and that law is continued in effect for
21 that purpose.

22 SECTION 3. This Act takes effect September 1, 2017.